

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**WILLIE CLARENCE WEST, JR.,**

**Plaintiff,**

**VS.**

**HUBERT MCCRAE,**

**Defendant.**

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**NO. 5:11-CV-40 (MTT)**

**Proceedings Under 42 U.S.C. §1983  
Before the U.S. Magistrate Judge**

**RECOMMENDATION**

Before the Court is a Motion to Dismiss filed by Defendant Hubert McCrae. Doc. 9. For the following reasons, it is **RECOMMENDED** that the Motion to Dismiss be **GRANTED** and that this action be **DISMISSED** with prejudice.

On February 14, 2011, the Court entered an order and recommendation allowing Plaintiff to proceed in forma pauperis. Doc. 4. There, Plaintiff was advised, among other things, that he must diligently prosecute his action or face the possibility that it would be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Id.

On April 18, 2011, Defendant filed the instant Motion to Dismiss. Doc. 9. Soon afterwards, the Court entered an order directing Plaintiff to file a response to Defendant's motion on or before May 10, 2011. Doc. 11. In this order, Plaintiff was notified that failing to file a response would cause the Court to consider Defendant's motion as uncontested. Id. Despite this warning, Plaintiff failed to respond.

In view of the above, and in an effort to give Plaintiff every opportunity to pursue his claims, the Court entered an order directing him to show cause for his failure to respond on or before May 31, 2011. Doc. 15. In addition, Plaintiff was warned that any further failure to comply with the

Court's orders would lead to the dismissal of his action. Id. To date, no response or other pleading has been filed by Plaintiff. Consequently, the Court has no other choice than to conclude that Plaintiff has abandoned his claims. Accordingly, **IT IS RECOMMENDED** that Defendant's unopposed Motion to Dismiss be **GRANTED** and that this action be **DISMISSED** with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this recommendation with the district judge to whom this case is assigned, **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof. Though it may prove to be an exercise in futility, the Clerk is directed to serve the plaintiff at the **LAST ADDRESS** provided by him.

**SO ORDERED**, this 8th day of June, 2011.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge